

Message Text

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PAGE 01 STATE 079556
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E.O. 11652: GDS

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SUBJECT: EFFECTS OF DELETION OR SUSPENSION OF SECTION
620 (X)

PASS TO CHRISTOPHER DELEGATION

INTRODUCTION: THE FOLLOWING ANALYSIS OF FEATURES OF
620(X) AND IMPACT OF ITS LIFTING WAS PREPARED IN L BASED
UPON MATERIAL PROVIDED BY DOD.

1. SECTION 620(X) OF FAA PROHIBITS THE FOLLOWING WITH
RESPECT TO TURKEY:

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PAGE 02 STATE 079556

(A) GRANTS OF DEFENSE ARTICLES AND SERVICE UNDER CHAPTER 2
OF PART II OF FAA (MAP);

(B) MILITARY EDUCATION AND TRAINING ON A GRANT BASIS UNDER
CHAPTER 5 OF PART II OF FAA (IMET);

(C) FURNISHING OF MAP ITEMS, PROCURED FOR TURKEY WITH

PRIOR YEAR FUNDS, WHICH HAD NOT BEEN DELIVERED AT TIME
SECTION 620(X) BECAME EFFECTIVE (FEB. 5, 1975),

(D) SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES, IN-
CLUDING TRAINING, UNDER FOREIGN MILITARY SALES PROGRAM

(FMS) EXCEPT AS NOTED IN PART 2; AND

(3) FINANCING UNDER FMS, THROUGH CREDITS OR LOAN
GUARANTIES, FOR TURKISH PURCHASES OF DEFENSE ARTICLES
AND DEFENSE SERVICES (FMS FINANCING COULD OTHERWISE NOT
BE PROVIDED FOR FMS PURCHASES OR COMMERCIAL PURCHASES)
EXCEPT AS PROVIDED IN PARA 2 BELOW.

2. FOR FY 1978, SECTION 620(X) PROVIDES AN EXCEPTION
TO PROHIBITIONS DESCRIBED IN PARA 1(D) AND (E). THIS
EXCEPTION PERMITS FMS SALES OF ARTICLES AND SERVICES
VALUED AT NOT TO EXCEED \$175 MILLION FOR TURKEY'S NATO
REQUIREMENTS, AND ALSO PERMITS FMS FINANCING OF \$175
MILLION. THIS EXCEPTION EXPIRES AT END OF CURRENT FISCAL
YEAR. IF FURTHER LEGISLATION IS NOT ENACTED, PRO-
HIBITIONS IN PARA 1(D) AND (E) WILL AGAIN BECOME ABSOLUTE.

3. ALTHOUGH, BY ITS TERMS, SECTION 620(X) WOULD ALSO
PROHIBIT MUNITIONS CONTROL EXPORT LICENSES FOR TURKISH
COMMERCIAL PURCHASES AND DELIVERY OF ITEMS PURCHASED BY
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PAGE 03 STATE 079556

TURKEY UNDER FMS PRIOR TO FEB. 5, 1975, SUPERSEDING
AUTHORITY WAS ENACTED IN OCTOBER 1975 (P.L. 94-104) WHICH
PERMITTED DELIVERY OF THE FMS "PIPELINE" TO TURKEY AND
REMOVED EXPORT LICENSES FOR COMMERCIAL ARMS SALES TO
TURKEY FROM THE SCOPE OF 620(X) PROHIBITIONS.

4. REPEAL OR SUSPENSION OF SECTION 620(X) WOULD HAVE
THE FOLLOWING EFFECTS:

(A) MAP - NEW GRANTS OF DEFENSE ARTICLES AND SERVICES
TO TURKEY COULD NOT BE MADE ON THIS BASIS ALONE. IT
WOULD ALSO BE NECESSARY, IN VIEW OF GENERAL PROHIBITION
AGAINST MAP CONTAINED IN SECTION 516 (A) OF FAA, FOR
CONGRESS TO ENACT SPECIFIC LEGISLATION AUTHORIZING MAP
FOR TURKEY.

(B) IMET - GRANT TRAINING COULD BE RESUMED WITHIN
LIMITATIONS OF AVAILABLE FUNDS. ANY IMET FOR TURKEY IN
FY 1978 WOULD REQUIRE EITHER SUPPLEMENTAL APPROPRIATION
OR REPROGRAMMING OF FUNDS ALLOCATED FOR OTHER COUNTRIES.
REPROGRAMMING WOULD REQUIRE FIFTEEN DAYS ADVANCE NOTICE TO
AUTHORIZING AND APPROPRIATIONS COMMITTEES OF CONGRESS AND

CONSIDERATION OF ANY OBJECTIONS THOSE COMMITTEES MIGHT RAISE. IMET FOR FY L979 WOULD HAVE TO BE JUSTIFIED TO CONGRESS IN ADMINISTRATION'S SECURITY ASSISTANCE LEGISLATIVE REQUEST.

(C) MAP MATERIAL MOW IN STORAGE WHICH COULD NOT BE DELIVERED (I.E. "FRUSTRATED SHIPMENTS") AFTER SECTION

620(X) BECAME EFFECTIVE WOULD BECOME AVAILABLE FOR IMMEDIATE DELIVERY. (FYI: ESTIMATED VALUE SUCH ITEMS ABOUT \$87 MILLION. NOT ALL ITEMS ARE, HOWEVER, IMMEDIATELY AVAILABLE.)

(D) FMS - THERE WOULD BE NO STATUTORY LIMIT ON WHAT CONFIDENTIAL

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PAGE 04 STATE 079556

TURKEY COULD BUY UNDER FMS PROCEDURES. ONLY LIMITATIONS WOULD BE USG WILLINGNESS TO SELL, TURKISH ABILITY TO PAY AND AVAILABILITY OF ITEMS DESIRED. NORMAL CONGRESSIONAL REVIEW PROCEDURES FOR MAJOR SALES (I.E. SECTION 36(B) OF ARMS EXPORT CONTROL ACT) WOULD APPLY IN SAME MANNER AS APPLICABLE TO SALES TO ALL OTHER COUNTRIES.

(E) FMS FINANCING - FMS FINANCING COULD BE PROVIDED WITHIN LIMITATIONS OF AVAILABLE FUNDS AND WORLDWIDE ANNUAL CEILING. ANY FY 1978 FMS FINANCING IN ADDITION TO \$175 MILLION IN LOAN GUARANTIES NOW PROGRAMMED FOR TURKEY WOULD REQUIRE SUPPLEMENTARY AUTHORIZING AND APPROPRIATIONS LEGISLATION OR REPROGRAMMING OF FUNDS ALLOCATED FOR OTHER COUNTRIES. REPROGRAMMING WOULD REQUIRE FIFTEEN DAYS ADVANCE NOTICE TO APPROPRIATIONS COMMITTEES AND CONSIDERATION OF ANY OBJECTIONS RAISED BY THEM. FOR FY 1979, PROPOSED FMS FINANCING LEVEL (\$175 MILLION) WOULD HAVE TO BE JUSTIFIED TO CONGRESS IN ADMINISTRATION'S SECURITY ASSISTANCE LEGISLATIVE REQUEST.

5. THIRD PARTY TRANSFERS - REPEAL OR SUSPENSION OF SECTION 620(X) WOULD ALSO REMOVE IMPEDIMENT TO USG CONSENT TO PROPOSED TRANSFERS TO TURKEY BY THIRD PARTIES OF FMS ORIGIN ARTICLES AND SERVICES. BECAUSE MANY MEMBERS OF CONGRESS REGARD CURRENT \$175 MILLION CEILING ON SALES TO TURKEY AS LIMIT ON TURKISH ACCESS TO FMS ORIGIN ITEMS FROM ANY SOURCE, AND BECAUSE US LAW PROHIBITS CONSENT TO THIRD COUNTRY TRANSFERS OF FMS ORIGIN END ITEMS UNLESS USG WOULD ITSELF FURNISH ARTICLE DIRECTLY TO PROPOSED RECIPIENT, WE HAVE BEEN UNWILLING TO CONSENT TO A NUMBER OF PROPOSED TRANSFERS TO TURKEY FROM OTHER NATO ALLIES. THIS LIMITATION HAS ALSO COMPLICATED TURKISH PARTICIPATION IN NATO COMMON SUPPLY ARRANGEMENTS UTILIZING NAMSA. CONFIDENTIAL

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PAGE 05 STATE 079556

6. BILATERAL AND ALLIANCE PLANNING WITH TURKISH MILITARY. DESIRE TO NOT APPEAR TO BE IN VIOLATION OF SPIRIT OF 620(X) HAS CONSTRAINED USG FULL PARTICIPATION IN OTHER-WISE NORMAL EFFORT TO ASSIST ALLIES. REMOVAL OF THIS IMPEDIMENT, WHICH RUNS BEYOND TECHNICAL POINTS OF PARAS 4 AND 5, WILL BE ONE OF MAJOR BENEFITS FROM REPEAL OR SUSPENSION OF 620(X). IN THIS REGARD, WE WOULD BE ABLE TO DISCUSS -- ON FORTHCOMING BASIS -- SUCH QUESTIONS AS EXCESS PROPERTY DISPOSAL, CO-PRODUCTION-LICENSING

ARRANGEMENTS, KARAMURSEL RELATED ISSUES, ETC. WE WOULD ALSO BE ABLE TO TAKE LEAD IN ALLIED AD HOC GROUP COOPER

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